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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/748,691 | 12/26/2000 | Mitchell R. Swartz | | 4269 |

7590 05/17/2012
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| EXAMINER |
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PALABRICA, RICARDO J

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| ART UNIT | PAPER NUMBER |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MAY 17 2012

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|---|---|--------------------------|
| In re Application of | : | DECISION ON THE PETITION |
| Mitchell R. Swartz | : | UNDER 37 CFR 1.181 |
| Application No. 09/748,691 | | |
| Filed: December 26, 2000 | | |
| For: Method to Control Reactions Involving Isotopic | | |
| Fuel Within a Material Using Orthogonal Electric-Fields | | |

This is a decision on applicant's petitions to withdraw the notice of defective appeal briefs dated July 25, 2011 and July 27, 2011 under 37 CFR 1.181, filed in the United States Patent and Trademark Office.

The petition is **DISMISSED as MOOT.**

PETITION

The petition asks for applicant's Appeal Brief to be forwarded to the Board of Patent Appeals and interferences.

BACKGROUND

A Petition decision withdrawing the abandonment, withdrawing the Notice of Non-Compliant Appeal Briefs, entering the Appeal Brief and forwarding to the examiner was mailed on July 22, 2010.

An Examiner's Answer was mailed to applicant July 29, 2011.

The application as of October 13, 2011 was docketed with the Board of Patent Appeals and Interferences.

DISCUSSION

Because the application has had all issues with defective aspects of the appeal resolved, and is now at the Board of Appeals and Interferences, awaiting a decision on the appeal, any remaining questions with previously indicated defective appeal briefs are now moot.

SUMMARY: The petition is **DISMISSED as MOOT.**

Note that continued petitioning of the application delays prosecution. The case is now before the Board of Patent Appeals and Interferences (BPAI). It is suggested that applicant abide by the rules and regulations set forth in the MPEP and defer petitioning. This will allow the BPAI to prosecute the application and render a decision.

Any questions or comments with respect to this decision should be forwarded to Office of Petitions in writing. It is unclear if applicant wishes to have this matter be decided at a higher authority or not. If so, an explicit request that "A review of the Technology Center's decision be made by the Director of the USPTO" should be included with any future petition subsequent to a decision denying an earlier petition.


Kathy Matecki, Director
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jwk/snm: 5/6/12

SM